

### **REMARKS/ARGUMENTS**

Claims 1-10 are pending in this application. Claims 1, 8-10 are independent.

Claims 1-10 stand rejected.

The claims have been amended herein to remove reference designators. In addition claim 9 has been amended to make minor clarifications. No new matter is entered.

#### **Objection to the Specification**

The Office Action, on page 2, objects to the specification for failing to mention references 117 and "FI" shown in Fig. 1. Applicant has amended the specification herein to include these designations where "FI" relates to "further identifier" and 117 is simply the reference designator associated with "FI". These amendments to the specification are simply clarifying the inherent depictions of Fig. 1 and its associated description in the specification starting on page 7, line 30 to page 8, line 14. No new matter is entered.

The Office Action further objects to the specification for lacking headings. Applicant respectfully traverses this objection. Subject headings are not statutorily required for filing a non-provisional patent application under 35 USC 111(a), but per 37 CFR 1.51(d) are only guidelines that are suggested for applicant's use. Furthermore, the Office has stated that it will not require conformance with the format set forth in 37 CFR 1.77. (See Miscellaneous Changes in Patent Practice, Response to comments 17 and 18 (Official Gazette, August 13, 1996) [Docket No: 950620162-6014-02] RIN 0651-AA75 ("Section 1.77 is permissive rather than mandatory. ... [T]he Office will not require any application to comply with the format set forth in 1.77").

Accordingly, withdrawal of this objection to the specification is respectfully requested.

35 U.S.C. §102(e) rejection

On page 3 of the Office Action it is alleged that claims 1-4, 6, and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Legout et al. (EP 1 322 094 A1), hereinafter Legout. Legout was cited in the Information Disclosure Statement filed by the applicant.

Applicant respectfully disagrees that Legout shows each and every claimed feature. For example, claim 1 recites:

“a receiver for receiving the content, the receiver comprising: a selector for selecting a distributor of the content out of a plurality of distributors; content-requesting means for requesting the content from the distributor selected; receiving means for receiving the content; identity-determining means for determining an identity associated with the content; and a verifier for verifying an availability of the content at the distributor based on the identity determined.”

It is asserted on page 4 of the Office Action that Legout discloses the receiver in the description of the end-user's computer in paragraph 0055, lines 7-8. The Office Action also points to the end-user's computer connecting to the network as being equivalent to the claimed receiving means. However, it is clear that Legout fails to teach the end-user's computer including the identity-determining means and a verifier as recited in claim 1. To allege some equivalency for these elements the Office Action now turns to completely different elements of Legout. For example, the Office Action turns to a redirection server proxy described in Legout. However, this redirection server proxy is completely different from the end-user computer. The redirection server proxy is described in paragraphs 33-35, and Fig. 2 of Legout. It is the redirection server which determines a proxy server. (Also see paragraph 79).

The Office Action equates the end-user's computer as being equivalent to the claimed receiver. However the end-user's computer of Legout does not provide any features even

comparable to applicant's claimed selector for selecting a distributor of the content out of a plurality of distributors; identity-determining means for determining an identity associated with the content; and a verifier for verifying an availability of the content at the distributor based on the identity determined.

Furthermore, claim 1 recites that the receiver is arranged to only select the distributor if the verifier verified the availability of the content at the distributor. In contrast, Legout describes that the end-user's computer sends a request to the redirection server which receives the information from the end-user's computer and then determines which proxy server can serve the information to the end-user's computer. Here again Legout fails to teach the claimed features.

Legout fails to teach or suggest a receiver as set forth in applicant's claim 1. Therefore, for at least the foregoing reasons, it is respectfully submitted the rejection as being anticipated by Legout is traversed and should be withdrawn.

Dependent claim 2 includes the features of claim 1 and further includes that "the receiver is arranged to determine an identity by receiving the identity from one out of the plurality of distributors" (emphasis added). The Office Action again points to the end-user's computer receiving a meta-file containing real content id from the redirection server proxy. However, claim 2 recites that the identity is received from one out of the plurality of distributors. In contrast, Legout describes that the redirection server proxy returns the generated meta-file to the end user. The Office Action previously equated the proxy servers as being equivalent to the claimed distributors. Now the distributors are being equated to Legout's redirection server proxy. Here again the Office Action is switching equivalencies of elements to fit a proposed rejection. For at least the foregoing reasons, it is respectfully submitted the rejection as being anticipated by Legout is traversed and should be withdrawn.

Claims 3-7 depend from claims 2-1 and include at least the above distinguishing features in addition to the features recited in each dependent claim. It is respectfully requested the rejection of these claims be withdrawn for at least the above cited reasons.

Independent claims 8-10 include similar distinguishing features as discussed above with respect to claim 1. Applicant essential repeats the above discussion of claim 1 and requests the rejection of these independent claims be withdrawn.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are solicited. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues. In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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